

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shmuel Shaffer
Serial No.: 10/824,180
Filing Date: April 14, 2004
Group Art Unit: 2614
Confirmation No.: 6361
Examiner: Khai N. Nguyen
Title: *Enhanced Extension Mobility*

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pre-Appeal Brief Request for Review

This Pre-Appeal Brief Request for Review and the accompanying Notice of Appeal are submitted pursuant to provisions set forth in the Official Gazette Notice of July 12, 2005. Applicants respectfully request reconsideration and allowance of the rejected claims.

Remarks

Claims 1-45 are rejected pursuant to a Final Office Action dated April 29, 2010. Applicant respectfully submits that the Examiner's rejections are legally and/or factually deficient and should be reversed.

I. Claims 1-8, 10-20, 22-34, and 36-42 are Allowable over the Sarp

The Examiner rejects Claims 1-8, 10-20, 22-34, and 36-42 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2005/0180555 by Sarp ("*Sarp*"). At least because the Examiner has failed to establish that *Sarp* discloses "each and every element as set forth in the claim[s]," these rejections are legally and/or factually deficient and should be reversed. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed.

Cir. 1987); M.P.E.P. ch. 2131; *see also Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 88 U.S.P.Q.2d 1751 (Fed. Cir. 2008).

Claim 63, which Applicants discuss as an example, recites the following:

A system for enhanced extension mobility, the system comprising one or more processing units collectively operable to:

access user input indicating a desire of the user to logon at the endpoint in a shared mode according to which the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users; and

in response to the user input indicating a desire of the user to logon at the endpoint in a shared mode according to which the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users, configure the endpoint to concurrently support an extension of the user and one or more other extensions of one or more other users.

At a minimum, *Sarp* fails to disclose an endpoint capable of supporting a “shared mode according to which the endpoint **concurrently supports** an extension of the user and one or more other extensions of one or more other user,” as recited in Claim 1.

Sarp discloses a “dynamic telephone configuration” system in which each of a number of users has a virtual extension associated with physical phone features. *Sarp* at ¶¶ 7, 29. When a user inputs his virtual extension and password into a telephone, the physical port of that telephone is associated with the input virtual extension such that configuration information (i.e., the physical phone features associated with the virtual extension) may be delivered over the physical port and the telephone dynamically configured to support the user. *Id.* at ¶¶ 38-40. In other words, *Sarp*, at best, discloses a system in which each of a number of telephones may be configured based on a virtual extension of a corresponding one of a number of users.

Sarp, however, does not to disclose, teach, or suggest that any of the telephones may support virtual extensions of multiple different users at the same time, as would be necessary for *Sarp* to even possibly disclose a “shared mode according to which the endpoint **concurrently supports** an extension of the user and one or more other extensions of one or more other user,” as recited in Claim 1. Therefore, *Sarp* necessarily fails to disclose, teach, or suggest “access[ing] user input indicating a desire of the user to logon at the endpoint in a **shared mode** according to which the endpoint **concurrently supports** an extension of the user and one or more other extensions of one or more other users” and “configur[ing] the

endpoint to **concurrently support** an extension of the user and one or more other extensions of one or more other users,” as recited in Claim 1.

For at least these reasons, the Examiner’s rejection of independent Claim 1 and its dependent claims contains clear errors of law and should be reversed. For at least certain analogous reasons, the Examiner’s rejection of independent Claims 15, 27, and 41-42 and their respective dependent claims contains clear errors of law and should be reversed.

II. The Separately-Rejected Dependent Claims are Allowable

The Examiner rejects Claims 9, 21, and 35 under 35 U.S.C. § 103(a) as being unpatentable over *Sarp* in view of U.S. Patent 5,933,488 to Marcus et al. (“*Marcus*”) and Claims 43-45 under 35 U.S.C. § 103(a) as being unpatentable over *Sarp* in view of U.S. Patent 6,292,792 to Baffes et al. (“*Baffes*”). Claims 9 and 43 depend from independent Claim 1, Claims 21 and 44 depend from independent Claim 15, and Claims 35 and 45 from independent Claim 27. Independent Claims 1, 15, and 27 have been shown above to be allowable over *Sarp*. The Examiner does not allege that additional cited references make up for the above-discussed deficiencies of *Sarp*. Accordingly, dependent Claims 9, 21, 35, and 43-45 are allowable over the combinations of references proposed by the Examiner at least because they depend on allowable independent claims. Additionally, dependent Claims 9, 21, 35, and 43-45 recite further patentable distinctions over the combinations of references proposed by the Examiner. To avoid burdening the record and in view of the clear allowability of independent Claims 1, 15, and 27, Applicant does not discuss these distinctions in this Response. However, Applicant reserves the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Moreover, Applicant does not admit that the proposed combinations of references are possible or that the Examiner has provided an adequate reason for combining or modifying the references in the manner proposed.

For at least these reasons, Applicant respectfully submits that the Examiner’s rejection of dependent Claims 9, 21, 35, and 43-45 contains clear errors of law and the Examiner’s rejection should be reversed.

Conclusion

For at least these reasons, the Examiner’s rejections contain clear legal and factual deficiencies, and Applicant requests allowance of all pending claims. Although no fees are believed to be due (other than those indicated in the concurrently-filed Notice of Appeal), the

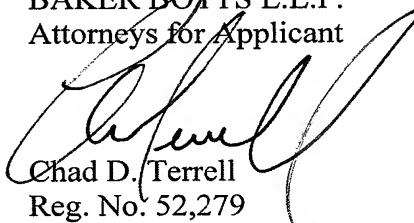
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Commissioner is hereby authorized to charge any necessary fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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Date: July 29, 2010
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